

CERCLA 104(e) INFORMATION REQUEST
URGENT LEGAL MATTER: PROMPT REPLY REQUESTED
VIA CERTIFIED MAIL #7010-2780-0002-4355-0279

Mr. Steven L. Spalding
Registered Agent for Ashland Inc.
3475 Blazer Parkway
Lexington, KY 40509

Re: Delta Shipyard Superfund Site, Houma, Terrebonne Parish, Louisiana
SSID No. 06GC

Dear Sir or Madam:

The U.S. Environmental Protection Agency (EPA) seeks cooperation from the Ashland Inc., a Kentucky corporation that was organized March 15, 2004, in the State of Kentucky, in providing information and documents relating to the Delta Shipyard Superfund Site (Site). Obtained information from you will aid the EPA in its investigation of the release or threat of release of certain hazardous substances, pollutants or contaminants at this Site. Your response will also help the EPA develop a better understanding of activities that occurred at the Site.

This information request is not a determination that you are responsible or potentially responsible for contamination that occurred at the Site. The EPA is sending this letter as part of its investigation of the Site and does not expect you to pay for or perform any site-related activities at this time. If the EPA determines that you are responsible or potentially responsible for response activities at the Site, you will receive a separate letter clearly stating such a determination as well as the basis the EPA has for the determination.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 104(e), 42 U.S.C. § 9604(e), gives the EPA the authority to require you to respond to this information request (see Enclosure 1). We encourage you to give this matter its full attention, and ***we respectfully request that you respond to this request for information within thirty (30) days of its receipt of this letter.*** You may designate another official with the requisite authority to respond on your behalf. However, failure to respond to this information request may result in the EPA seeking penalties of up to \$37,500.00 per day of violation. In addition, furnishing false, fictitious or fraudulent statements or representations is subject to criminal penalty under 18 U.S.C. § 1001.

Please provide a written response to Mr. Robert Werner, Enforcement Officer, at the address included in the Information Request. Please refer to the enclosures below, which include important instructions and definitions, as well as the questions for response, in the preparation of your reply to this Information Request.

If you have any questions regarding this letter, contact Mr. Robert Werner at (214) 665-6724. For legal questions concerning this letter, please have your legal counsel contact Ms. Amy Salinas, Attorney, at (214) 665-8063. Thank you for your attention to this matter.

Sincerely yours,

Ben Banipal, P.E.
Acting Associate Director
Technical and Enforcement Branch (SF-T)
Superfund Division

Enclosures (4)

cc: Registered Agent

ENCLOSURE 1

DELTA SHIPYARD SUPERFUND SITE

INFORMATION REQUEST

RESPONSE TO INFORMATION REQUEST

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal "Superfund" law, the U.S. Environmental Protection Agency (EPA) responds to the release or threat of release of hazardous substances, pollutants or contaminants into the environment to stop additional contamination and to clean-up or otherwise address any prior contamination.

The EPA is requesting information under CERCLA Section 104(e). Section 104(e) may be found in the United States Code (U.S.C.) at Title 42 Section (section is denoted by the symbol "§") 9604(e) 42 U.S.C. § 9604(e).

Pursuant to the authority of CERCLA §104(e), you are hereby requested to respond to the enclosed information request. If you have any questions concerning the Site's history or this information request letter, please contact Mr. Robert Werner, the designated Enforcement Officer for the Site, at phone number (214) 665-6724, fax number (214) 665-6660 or via email at werner.robert@epa.gov. Please mail your response within 30 calendar days of your receipt of this request to the following address:

Mr. Robert Werner, Enforcement Officer
Superfund Enforcement Assessment Section (6SF-TE)
U.S. EPA, Region 6
1445 Ross Avenue
Dallas, TX 75202-2733

If you or your attorney has legal questions that pertain to this information letter request, please contact Ms. Amy Salinas at phone number (214) 665-8063, fax number (214) 665-6460 or via email at salinas.amy@epa.gov. For contact via mail, use the following address:

Ms. Amy Salinas, Attorney
Office of Regional Counsel (6RC-S)
U.S. EPA Region 6
1445 Ross Avenue
Dallas, Texas 75202-2733

BACKGROUND INFORMATION

The Delta Shipyard Superfund Site (Site) is located in the City of Houma, the County of Terrebonne, and the State of Louisiana. The Site is situated south of Industrial Boulevard approximately one-half mile on the east and west sides of Dean Court. The Site does not have a street address.

For a number of years prior to 1986, the non-incorporated business entity known as Delta Shipyard (DS) operated a boat and barge cleaning and repair facility at the Site. Operations of DS included cleaning and repairing small cargo boats, fishing boats, and oil barges. Before repairs could be started, boats and barges had to be certified vapor free by the U.S. Coast Guard. In order for DS to accomplish this, boats and barges were steam cleaned to remove oily wastes. Recovered oil deemed usable during cleaning activities was collected and eventually sold. Oily waste from the cleaning process was stored in several unlined earthen pits. These pits were used as evaporation ponds. Reportedly, these pits were also used to dispose of oil field drilling material. Currently the EPA is aware of four evaporation pits on the site.

Currently available information indicates that, prior to 1986, DS operated as a non-incorporated business under the control and/or direction of one or more of the following business entities:

Delta Iron Works, Inc., a Louisiana corporation, and/or

Delta Iron Works, Inc., a Delaware corporation, recognized in Louisiana, and/or

Chromalloy American Corporation, a Delaware corporation, recognized in Louisiana, and/or

Chromalloy American Corporation, a Delaware corporation, recognized in Missouri, and/or

Chromalloy American Corporation, a Delaware corporation, and/or

Delta Services Industries, a Louisiana partnership.

ENCLOSURE 2

DELTA SHIPYARD SUPERFUND SITE

INFORMATION REQUEST

INSTRUCTIONS AND DEFINITIONS

INSTRUCTIONS

1. Please provide a separate narrative response for each and every Question and subpart of a Question set forth in this Information Request.
2. Precede each answer with the Question (or subpart) and the number of the Question (and the letter of a subpart of a Question, if applicable) to which it corresponds.
3. If information or documents not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, ***you must supplement*** your response to the U.S. Environmental Protection Agency (EPA). Moreover, should you find, at any time, after submission of your response, that any portion of the submitted information is false or misrepresents the truth, or, though correct when made, is no longer true, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
4. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question (and the letter of a subpart of a Question, if applicable) to which it responds.
5. You may assert a business confidentiality claim covering part or all of the information which you submit in response to this request. Any such claim must be made by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet or a stamped or typed legend or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Confidential portions of otherwise non-confidential documents should be clearly identified and may be submitted separately to facilitate identification and handling by the EPA. If you make such a claim, the information covered by that claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in subpart B of 40 CFR Part 2. If no such claim accompanies the information when it is received by the EPA, it may be made available to the public by the EPA without further notice to you. The requirements of 40 CFR Part 2 regarding business confidentiality claims were published in the Federal Register on September 1, 1976, and were amended September 8, 1976, and December 18, 1985.
6. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information."

7. Objections to questions. If you have objections to some or all the questions within the Information Request Letter, you are still required to respond to each of the questions.

DEFINITIONS

The following definitions shall apply to the following words as they appear in this enclosure:

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
2. The term "any", as in "any documents" for example, shall mean "any and all."
3. The term "arrangement" means every separate contract or other agreement between two or more persons.
4. The terms "document(s)" and "documentation" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, telecopy, telefax, report, notice, message, analysis, comparison, graph, chart, map, interoffice or intra office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording on any type of device, any punch card, disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with the printouts of such punch card, disc, or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document and (e) every document referred to in any other document.
5. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known business and personal addresses, email address(es), and telephone numbers, and present or last known job title, position or business. Also provide e-mail addresses.
6. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including, but not limited to, a sole proprietorship), to set forth its full name, address, and legal form (e.g. corporation [including state of incorporation], partnership, etc.), organization, if any, a brief description of its business, and to indicate whether or not it is still in existence and, if it is no longer in existence, to explain how its existence was terminated and to indicate the date on which it ceased to exist. Also provide e-mail addresses.

7. The term "identify" means, with respect to a document, to provide the type of document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), subject matter, the identity of the author, addressor, addressee and/or recipient, and the present location of such document.
8. The term "person" shall have the same definition as in Subsection 101 (21) of CERCLA, 42 U.S.C. § 9601 (21).
9. The term "Site" shall mean and include the Delta Shipyard Superfund Site located in the City of Houma, the County of Terrebonne, and the State of Louisiana. The Site is situated south of Industrial Boulevard approximately one-half mile on the east and west sides of Dean Court. The Site does not have a street address.
10. The terms "you" or "your" or "Respondent" shall mean the addressee of this Request, the addressee's officers, managers, employees, contractors, trustees, partners, successors and agents.
12. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.
13. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 CFR Part 300 or 40 CFR Parts 260-280, in which case the statutory or regulatory definitions shall apply.

ENCLOSURE 3

DELTA SHIPYARD SUPERFUND SITE

INFORMATION REQUEST

QUESTIONS

1. Please identify the person(s) that answer the below questions on behalf of the Ashland Inc., (hereafter referred to as "New Ashland"), a Kentucky corporation that was organized on March 15, 2004, in the State of Kentucky. Please also include the person(s) contact information (address, phone number, e-mail address).
2. Please explain the organizational relationship between the following business entities:
 - A. Ashland Inc., an inactive Kentucky corporation (hereafter referred to as "Old Ashland"), its organization date in Kentucky being September 22, 1936. The Kentucky Secretary of State identifies 50 E. Rivercenter Blvd, P.O. Box 391, Covington, KY 410120391 as this entity's last known address, Steven L. Spalding as this entity's last known registered agent, and James J. O'Brien as this entity's last known Chairman.
 - B. Ashland Petroleum Company (hereafter referred to as "APC"). The U.S. Environmental Protection Agency (EPA) has obtained information that indicates APC had been a non-incorporated division of Old Ashland at some time during the years 1969 through 1993. The EPA has obtained information that indicates on September 18, 1980, APC's mailing address was P.O. Box 391, 1401 Winchester Avenue, Ashland, Kentucky 41101.
 - C. Ashland Inc, an active Kentucky corporation (hereafter referred to as "New Ashland"), its organization date in Kentucky being March 15, 2004. The Kentucky Secretary of State identifies 50 E. Rivercenter Blvd, P.O. Box 391, Covington, KY 410120391 as this entity's current address, Steven L. Spalding as this entity's current registered agent, and James J. O'Brien as this entity's current president.
 - D. The following questions pertain to Old Ashland, New Ashland, and two of their related business entities:
 - 1) Was EXM LLC, a limited liability company, organized in Kentucky effective March 12, 2004?
 - 2) Was New EXM Inc., a Kentucky corporation, organized in Kentucky effective March 12, 2004?
 - 3) Did Old Ashland merge into EXM LLC effective June 30, 2005?
 - 4) Did EXM LLC merge into New EXM Inc. effective June 30, 2005?

- 5) Were the articles of incorporation for New EXM Inc. amended to change the corporation's name from New EXM Inc. to Ashland Inc., i.e., New Ashland effective June 30, 2005?
 - 6) With the exception of environmental indemnifications for specific Remediation Activities identified in the Master Agreement that was applicable to the June 30, 2005, merger, did New Ashland assume and/or become liable for all remaining environmental activities for which Old Ashland had responsibility? If your answer to this question is no, please identify the party, if any, that assumed and/or became responsible for Old Ashland's other environmental activities.
3. At anytime in past years had APC been a non-incorporated division of Old Ashland? Unless your answer to this question is yes, please identify the business entity that APC was controlled by or was responsible to.
4. Please identify the organizational relationship(s) that existed, if any, between Old Ashland and APC during the years 1969 through 1993.
5. Please explain the business relationship that existed, if any, between Old Ashland and/or APC and one or more of the following business entities:
 - A. Any corporate entity known as Delta Iron Works, Inc. (DIWI) that was related to, or associated with, a business entity that operated a boat and barge cleaning and repair facility at the Site.
 - B. Any corporate entity known as Chromalloy American Corporation (CAC) that was related to, or associated with, a business entity that operated a boat and barge cleaning and repair facility at the Site.
 - C. The partnership known as Delta Services Industries (DSI) that was related to, or associated with a business entity that operated a boat and barge cleaning and repair facility at the Site.
 - D. The non-incorporated business entity known as Delta Shipyard (DS) that operated a boat and barge cleaning and repair facility at the Site.
6. At any time did Old Ashland and/or APC contract with or arrange for DIWI, CAC, DSI, and/or DS to clean and/or repair any tank, boat, barge, and/or floating object that Old Ashland and/or APC owned, rented, leased, and/or used? If the answer to this question is yes, please answer the following questions:
 - A. Please provide copies of all documents reflecting such contracts and/or arrangements.

- B. Provide names, addresses, and telephone numbers of any individuals, including former employees of Old Ashland and/or APC who may have knowledge of these contracts or arrangements.
- C. To the best of your knowledge, at anytime did DS clean and/or repair equipment that was owned and/or controlled by Old Ashland and/or APC at or near the Site after it had been used to store or transport materials, hazardous materials, hazardous substances, and/or hazardous wastes (“materials”). If your answer to this question yes, please respond to the following:
- 1) Please provide copies of all documents in your possession that identify all materials in equipment that was owned and/or controlled by Old Ashland and/or APC prior to its being cleaned and/or repaired at or near the Site by DS, or
 - 2) If documents are not in your possession, to the best of your knowledge, identify all materials in equipment that was owned and/or controlled by Old Ashland and/or APC prior to its being cleaned and/or repaired at or near the Site by DS, and
 - 3) To the best of your knowledge, describe the volume of material cleaned and/or removed from equipment that was owned and/or controlled by Old Ashland and/or APC at or near the Site by DS, i.e., materials retained by DS.
 - 4) To the best of your knowledge, identify the source(s) of materials for each event that material was cleaned and/or removed from equipment that was owned and/or controlled by Old Ashland and/or APC at or near the Site by DS.
 - 5) Please provide copies of all internal documents in your possession that identify hazardous materials that were contained and/or transported to the Site in equipment that was owned and/or controlled by Old Ashland and/or APC.
 - 6) List all federal, state, and local permits, identification numbers, and/or registrations issued to Old Ashland and/or APC for storage, transport, and/or disposal of materials prior to 1986. Include respective permit numbers.

ENCLOSURE 4

DELTA SHIPYARD SUPERFUND SITE

INFORMATION REQUEST

SUPPORTING DOCUMENTS (SITE INFORMATION)

1. Copy of survey, dated July 16, 1980. Survey completed by T. Baker Smith & Son, Inc., Civil Engineers & Land Surveyors, Houma, Louisiana.
 - A. The Delta Shipyard Superfund Site is located within the surveyed area.
 - B. Pits are illustrated in the surveyed area.
 - C. Title appearing at top of survey document is "Chromalloy American Corporation, Chromalloy Natural Resources Division."
2. Copies of five letters from Delta Shipyard to State of Louisiana:
 - A. Letter dated June 3, 1980, from Delta Shipyard, A Unit of Chromalloy American Corporation.
 - B. Letter dated August 12, 1980, from Delta Shipyard, A Unit of Chromalloy American Corporation.
 - C. Letter dated June 22, 1981, from Delta Shipyard, A Division of Delta Services Industries.
 - D. Letter dated December 2, 1981, from Delta Shipyard, A Division of Delta Services Industries.
 - E. Letter dated December 21, 1983, from Delta Shipyard, A Division of Delta Services Industries.
3. Copy of page extract from Potential Hazardous Waste Site Identification and Preliminary Assessment Report, dated March 11, 1981, with names, as of September 18, 1980, for "Delta Shipyard, Top Customers, Account #2, Shipyard Operations" (page extracted from SDMS #663386).